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IZIKHOKELO ZOKUQULUNQA IMIGQALISELO YOKUZIPHATHA

Zikhutshwe phantsi koMthetho Wokukhuselwa

Kwengcombolo Yobuqu 4 ka-2013

(uMthetho Wengcombolo)

Uluhlu Lokuqulethweyo

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ICANDELO 1 – INTSHAYELELO: IMITHETHO EZISEKELWE KUYO

1 Injongo yoMthetho Wengcombolo nemfuneko yemigqaliselo yokuziphatha

- 1.1 Phakathi kwezinye iinjongo, injongo yoMthetho Wengcombolo kukuphumeza ilungelo elingokoMgaqo-siseko lokuba neemfihlo zakho ngokukhusela ingcombolo yobuqu xa isetyenziswa ngumntu onoxanduva.
- 1.2 UMthetho Wengcombolo usebenza xa kusetyenziswa ingcombolo yobuqu:
 - 1.2.1 engeniswe kwirekhodi ngumntu onoxanduva okanye ingeniselwa umntu onoxanduva, kusetyenziswa iindlela ezizisebenzela ngokwazo okanye ezingazisebenzeli ngokwazo, kuxhomekeke ekubeni xa ingcombolo yobuqu erekhodiweyo isetyenziswa ngeendlela ezingazisebenzeli ngokwazo, iba yinxalenye yenkqubo yokufayilisha okanye injongo sukuba ikukuba ibe yinxalenye yayo; kwaye
 - 1.2.2 umntu onoxanduva:
 - 1.2.2.1 uzinze kwiRiphabliki; okanye
 - 1.2.2.2 engazinzanga kwiRiphabliki kodwa abe esebenzisa iindlela ezizisebenzela ngokwazo nezingazisebenzeli ngokwazo kwiRiphabliki, ngaphandle kokuba ezo ndlela zisetyenziselwa kuphela ukuthumela ingcombolo yobuqu ityhutyha kwiRiphabliki.
- 1.3 ISahluko 3 soMthetho Wengcombolo silawulwa ukusetyenziswa kwengcombolo yobuqu ngumntu onoxanduva okanye kusenzelwa umntu onoxanduva ngokwenza okufunwa yimiqathango esibhozo (8) yokusetyenziswa kwengcombolo yobuqu ngokusemthethweni, ukusetyenziswa kwengcombolo ekhethekileyo yobuqu nokusetyenziswa kwengcombolo engabantwana.
- 1.4 UMthetho Wengcombolo ugunyaza iQumrhu Labalawuli ukuba—
 - 1.4.1 liman' ukukhupha imigqaliselo yokuziphatha, lenze utshintsho kuyo, liyitshitshise nokuyitshitshisa;
 - 1.4.2 liqulunqe izikhokelo eziya kunceda amaqumrhu ukuba aqulunqe imigqaliselo okanye ayisebenzise;
 - 1.4.3 liyivume imigqaliselo; kwaye
 - 1.4.4 xa kuthe kwenziwa isicelo, liqwalasele ngokutsha izigqibo ezenziwe ngabagwebi phantsi kwemigqaliselo evunyiweyo.
- 1.5 Injongo yemigqaliselo kukuba nesixhobo sokwenza abantu baphendule nokukhuthaza ukuba asebenzele elubala amaqumrhu afanelekileyo kwindlela ayisebenzisa ngayo ingcombolo yobuqu. Imigqaliselo ayiyithathi indawo yoko

kutshiwo kuMthetho Wengcombolo, koko isebenza ixhasa iimfuneko zoMthetho Wengcombolo. Imigqaliselo ayinakulinciphisa ilungelo lomntu lokuba neemfihlo zakhe, elinokuncitshiswa kuphela ngendlela ekuchazwe ngayo kuMthetho Wengcombolo.

- 1.6 Amaqumrhu achaphazelekayo anqanyangelwayo yimigqaliselo ekhutshiweyo yokuziphatha makayeke ukwenza isenzo okanye ukubandakanyeka kumkhuba owaphula le migqaliselo. Ukwaphulwa kwemigqaliselo ekhutshiweyo kuthathwa njengokwaphulwa kwemigqaliselo yokusetyenziswa ngokusemthethweni kwengcombolo yobuqu ekuthethwe ngako kwiSahluko 3, yaye kuza kuthatyathwa inyathelo ngako ngokweSahluko 10 soMthetho Wengcombolo.
- 1.7 Imigqaliselo kufuneka iphelele kuphela koko kuxela iimbopheleleko zamaqumrhu athile anqanyangelwayo yimigqaliselo. Imigqaliselo kufuneka ihambisane nayo yonke imigqaliselo yokusetyenziswa ngokusemthethweni kwengcombolo yobuqu okanye kufuneka ihlangabezane nomlinganiselo wokusetyenziswa ngokusemthethweni kwengcombolo yobuqu. Imigqaliselo kufuneka iquke kananjalo, nangona ingaphelelanga apho, iquke neendawo ezithetha ngolawulo ezikwezi zikhokelo, ngendlela ezisebenza ngayo kumaqumrhu athile achaphazelekayo.
- 1.8 Ekwenzeni isigqibo mayela nokuba malikhuphe imigqaliselo kusini na, iQumrhu Labalawuli maliqwalasele ukuba imigqaliselo iyahlangabezana kusini na neemfuneko ezixelwe kwiSahluko 7 soMthetho Wengcombolo Yobuqu neemfuneko ezixelwe kwezi zikhokelo.
- 1.9 Ezi zikhokelo zikhuthaza amacandelo ahlukahlukeneyo ukuba aqulunqe imigqaliselo ngokulawulwa yimida eyaziwayo nokuthi ziyenze imigqaliselo ivisisane noMthetho Wengcombolo.

2 Injongo zezikhokelo

- 2.1 Injongo yezi zikhokelo kukuba zibe luncedo lokucacisa iSahluko 7 soMthetho weNgcombolo.
- 2.2 Kwakhona ezi zikhokelo ziza kuba sisikhokelo esisebenzisekayo esixela iimfuneko ezisisiseko nesinika umda-nkqubo wokuqinisekisa ukuba imigqaliselo iphononongwa ngendlela esemgangathweni. Oku kuza kukhuthaza ukusebenzela elubala mayela neemfuneko neenkqubo eziza kwenza ukuba yamkelwe le migqaliselo.

3 Ukuchazwa kwamagama

Naliphi na igama elisetyenziwe kwezi zikhokelo linaloo ntsingiselo elinayo nakuMthetho Wengcombolo ngaphandle kokuba okanye okubhaliweyo kwezi zikhokelo kubonisa ngenye indlela.

- 3.1 **elithi “ngonyaka”** lithetha unyaka wekhalenda oqalela kumhla eyakhutshwa ngawo le migqaliselo;
- 3.2 **“indlela ezizisebenzela ngokwazo”** kwezi zikhokelo, siso nasiphi na isixhobo esinako ukusebenza siqhutywa ngumntu sisabela kwimiyalelo esiyinikwe ngenjongo yokusebenzisa ingcombolo;
- 3.3 **“iqumrhu”** liqumrhu likarhulumente okanye elizimeleyo ngendlela ekuchazwe ngayo kuMthetho Wengcombolo;
- 3.4 **“iMigqaliselo Yokuziphatha”** yimigqaliselo yokuziphatha ekhutshwe ngokweSahluko 7 soMthetho Wengcombolo;
- 3.5 **“uMgaqo-siseko”** nguMgaqo-siseko weRiphabliki yoMzantsi-Afrika ka-1996;
- 3.6 **“umntu emalunga naye ingcombolo”** ngumntu emalunga naye ingcombolo yobuqu;
- 3.7 **“indlela yokuthelekisa ingcombolo”** yintelekiso, nokuba kuthelekiswa ngumntu okanye ngobuchwepheshe okanye ngesixhobo esithile, kuthelekiswa uxwebhu oluqulethe ingcombolo yobuqu emalunga nabantu abali-10 okanye ngaphezulu engabo ingcombolo, ithelekiswa noxwebhu olunye okanye amaxwebhu aliqela aqulethe ingcombolo yobuqu yabantu abali-10 okanye ngaphezulu emalunga nabo ingcombolo yobuqu, ngenjongo yokuvelisa okanye yokuqinisekisa ingcombolo enokusetyenziselwa injongo yokumthabathela inyathelo umntu engaye ingcombolo;
- 3.8 **“umntu”** ngumntu okanye inkampani;

- 3.9 **“ingcombolo yobuqu”** yingcombolo engomntu othile onokwalathwa, ophilayo, kuze ke ngokuxhomekeke kwiimeko, eli gama lithethe ingcombolo engenkampani enokwalathwa, ekhoyo, kwaye eli gama lisengaquka—
- (a) ingcombolo emalunga nohlanga alulo umntu, ubuni bakhe, ukuthi ukhulelwe okanye akakhulelwe, utshatile okanye akatshatanga, ilizwe angummi walo, isizwe azalwa kuso, okanye ubume bakhe entlalweni, ibala lakhe, uthandana nasiphi isini, ubudala, impilo engokwasemzimbeni okanye engokwasengqondweni, intlalo-ntle yakhe, ukuba nesiphene, inkolo, isazela, inkolelo, inkcubeko, ulwimi, nokuzalwa komntu;
 - (b) ingcombolo emalunga nembali yomntu kwicala lemfundo, lonyango, lezimali, lolwaphulo-mthetho, okanye lokuqeshwa;
 - (c) inombolo yokumfanisa loo mntu, umfuziselo, i-imeyile, idilesi yesitrato, inombolo yomnxeba, ingcombolo engendawo akuyo, into anokufaniswa ngayo kwi-intanethi, okanye olunye uphawu anokubonwa ngalo umntu;
 - (d) ingcombolo yobunzululwazi engaloo mntu;
 - (e) izimvo zaloo mntu, iibono zakhe, okanye izinto akhetha zona kunezinye;
 - (f) imbalelwano ethunyelwe nguloo mntu eyimfihlo noko okanye eyimfihlo kakhulu, okanye enye imbalelwano etyhila okuqulethwe yenye imbalelwano yangaphambili;
 - (g) izimbo okanye iibono zomnye umntu ngalo mntu; kunye
 - (h) negama lalo mntu ukuba livela nenye ingcombolo yobuqu emalunga nalo mntu okanye ukuba ukudandalaziswa kwegama ngokwako kungadandalazisa ingcombolo engalo mntu;
- 3.10 **“efunekayo”** yefunwa ngummiselo okanye yimigqaliselo yokuziphatha;
- 3.11 **“iQumrhu Labalawuli”** liQumrhu Labalawuli Bengcombolo elasekwa ngokwecandelo 39 loMthetho Wengcombolo;
- 3.12 **“imiMiselo”** yimiMiselo eyenziwe ngokwesiqendu 112(2) soMthetho Wengcombolo;
- 3.13 **“amaqumrhu achaphazelekayo”** lilo naliphi na iqumrhu elixeliweyo okanye udididi lwamaqumrhu, okanye urhwebo oluthile oluxeliweyo, imisebenzi efundelwayo, okanye imisebenzi emelwe ngokwaneleyo, ngokokubona kweQumrhu Labalawuli;

- 3.14 **“abantu abachaphazelekayo”** ngabantu abachaphazelekayo okanye iqumrhu elimela abo bantu bachaphazelekayo,
- 3.15 **“iRiphabliki”** yiRiphabliki yoMzantsi-Afrika; lize elithi
- 3.16 **“umntu onoxanduva”** kube yinkampani karhulumente okanye ezimeleyo okanye umntu omnye othi, eyedwa okanye edibene nabanye, enze isigqibo ngenjongo nangeendlela zokusebenzisa ingcombolo yobuqu.

4 Ngabantu abanjani amabasebenzise ezi zikhokelo?

Ezi zikhokelo zezokusetyenziswa—

- 4.1 ngamaqumrhu afanelekileyo acinga ukuqulunqa imigqaliselo emayivunywe;
- 4.2 ngamaqumrhu achaphazelekayo aceba ukuba nemigqaliselo equlunqwe liqumrhu elichaphazelekayo;
- 4.3 ngabantu abachaphazelekayo naziinkampani ezichaphazelekayo eziceba ukuba nemigqaliselo equlunqwe liQumrhu Labalawuli ngokwalo;
- 4.4 naliQumrhu Labalawuli eliqulunqa imigqaliselo ngokwalo.

5 Injongo yezi zikhokelo

Injongo ephambili yezi zikhokelo kukuchaza indlela emayisetyenziswe ngayo yonke imigqaliselo yokusetyenziswa kwengcombolo yobuqu ngokusemthethweni okanye kukuchaza indlela emakwenziwe ngayo okufunwa zezi zikhokelo ngamaqumrhu afanelekileyo. Ezi zikhokelo—

- 5.1 zanceda amaqumrhu afanelekileyo ukuba enze isigqibo malunga nokuba kufanelekile kusini na ukuba aqulunqe imigqaliselo;
- 5.2 zicacisa ukuba kunini apho iQumrhu Labalawuli liya kuthi liyiqulunqe ngokwalo imigqaliselo okanye kunini apho iinkampani ezichaphazelekayo zinokuthi ziqulunqe imigqaliselo;
- 5.3 zenza ukuba kubekho uthethathethwano nabo babandakanyekayo xa kuqwalaselwa ukuqulunqwa kwemigqaliselo;

- 5.4 zicacisa imibandela ekufuneka kuqutyiswane nayo xa kukhutshwa imigqaliselo evunyiweyo naxa ibhaliswa;
- 5.5 zicacisa ukuba kuxa kutheni ekuya kuthi kukhutshwe izaziso liQumrhu Labalawuli ngokufumaneka kwemigqaliselo ecetywayo ukuze ihlolwe;
- 5.6 zixela iindlela zokwenza ezinokuthi zifunwe kwimigqaliselo zokusingatha izikhalazo;
- 5.7 zixela imibandela emalunga nokuqwalaselwa ngokutsha kwemigqaliselo, ukutshintshwa kwayo okanye ukutshitshiswa kwayo;
- 5.8 zisebenza nakweyiphi na ingcombolo yobuqu exeliweyo okanye kudidi oluthile lwengcombolo yobuqu, kwimisebenzi ethile exeliweyo, kushishino, kwimisebenzi efundelwayo, emelwe ngokwaneleyo ngokokubona kweQumrhu Labalawuli;
- 5.9 zinika ithuba lokuqulunqa umda-nkqubo oya kukuxhasa ukusetyenziswa ngokusemthethweni koMthetho Wengcombolo ngendlela eselubala nefanelweyo yimali yayo;
- 5.10 zikhuthaza ukusetyenziswa okusemthethweni nokubhadlileyo kwengcombolo yobuqu ngokoMthetho Wengcombolo, okuthi kube luncedo kuwo onke amacandelo, igubungela iintswelo namalungelo azo zonke iinkampani ezichaphazelekayo nabantu emalunga nabo ingcombolo;
- 5.11 zinceza amaqumrhu achaphazelekayo asebenzisa ingcombolo ukuba akwenze okufunwa nguMthetho Wengcombolo;
- 5.12 zikhuthaza amaqumrhu afanelekileyo, xa equlunqa imigqaliselo, ukuba aqinisekise ukuba loo migqaliselo ikhuthaza ukuthembana phakathi kwabantu emalunga nabo ingcombolo kwaye ikhuthaza ukusetyenziswa okuselubala kwengcombolo yobuqu; kwaye
- 5.13 zidala ithuba lokuthi gqi nezona ndlela zilungileyo zokusebenza kuze ekugqibeleni kwenziwe ngendlela ebhetele kunakuqala okufunwa nguMthetho Wengcombolo.

6 Izizathu zokuqulunqa imigqaliselo yokuziphatha

Phakathi kwezizathu zokuqulunqa imigqaliselo yokuziphatha kusengabakho ezi—

- 6.1 kukucacisa ukuba imiqathango yokusetyenziswa ngokusemthethweni kwengcombolo yobuqu iza kwenziwa isebenze njani kuze kwenziwe okufunwa yiyo, kucingelwa izinto eyahluka ngazo inkampani ethile;

- 6.2 kukunika indlela esebenzayo yokufeza iimbopheleleko ezimayela nemiqathango yokusetyenziswa ngokusemthethweni kwengcombolo yobuqu;
- 6.3 kukukhuthaza indlela eyahlukayo kweyakuqala yokusebenza kwenkampani malunga nokusetyenziswa ngokusemthethweni kwengcombolo yobuqu;
- 6.4 kukuxela imiqathango yokusetyenziswa ngokusemthethweni kwengcombolo yobuqu, kusenzelwa ingcombolo exeliweyo okanye iindidi zengcombolo;
- 6.5 kukuxela imigqaliselo yokusetyenziswa ngokusemthethweni kwengcombolo yobuqu kusenzelwa nawuphi na umsebenzi oxeliweyo okanye udidi lwemisebenzi;
- 6.6 kukuxela imigaqo neendlela zokwenza zamaphulo okuvisisanisa ingcombolo ukuba loo maphulo asetyenziswa ngaphakathi kwicandelo elithile;
- 6.7 kukuchaza ukuba baza kukukhuseleka njani abantu emalunga nabo ingcombolo kwindlela okubachaphazela ngayo ukwenziwa kwesigqibo ngendlela ezenzekelayo;
- 6.8 kukunika iinkcukacha malunga nokuphelelwa kwemigqaliselo;
- 6.9 nokunika indlela yokwenza ekusingatheni izikhalazo.

7 Iimfuneko ekuqulunqeni imigqaliselo yokuziphatha

Xa egqiba kwelokuba aqulunqe imigqaliselo yokuziphatha, amaqumrhu afanelekileyo makaqwalasele oku kulandelayo:

- 7.1 ukuthi amaqumrhu afanelekileyo aza kunkqanyangelwa yimigqaliselo ayahlangabezana kusini na neemfuneko zobuncwane ezixelwe kwisiqendu 10 ngezantsi; nokuthi
- 7.2 uMthetho Wengcombolo, okanye imiMiselo okanye imigqaliselo ekhutshiweyo ayisele ithetha kakade kusini na ngemibandela eyinto enye, nto leyo enokwenza ukuba kungabikho mfuneko ukuqulunqa imigqaliselo.

8 Ukuwuqonda uMthetho Wengcombolo

Iqumrhu elifanelekileyo elicinga ngokuqulunqa imigqaliselo kufuneka liwuqonde uMthetho Wengcombolo, ngakumbi ukusetyenziswa kwemiqathango yokusetyenziswa ngokusemthethweni kwengcombolo yobuqu.

9 Iindlela ezisetyenziswayo ekuwusebenziseni

Iqumrhu elifanelekileyo elicinga ngokuqulunqa imigqaliselo kufuneka likwazi ngokwaneleyo ukuqulunqa imigqaliselo. Oku kusengaquka ukusekwa kwekomiti yokuqulunqwa kwemigqaliselo okanye enye indlela yolawulo yokongamela ukuqulunqwa kwemigqaliselo. Indlela leyo kufuneka iquke ukubonisana nabo babandakanyekileyo.

10 Izinto ezifunekayo ekuwusebenziseni

Iqumrhu elifanelekileyo kufuneka liqinisekise ukuba linobuncwane obanelyo bokuqulunqwa kwemigqaliselo neyokwenziwa isebenze. Kusengafuneka ukuba kusetyenziswe ubuncwane—

- 10.1 bokuphanda ukuba ikho kusini na imfuneko yokuqulunqa imigqaliselo;
- 10.2 bokuthi gqi necebo lolawulo lokuqulunqwa kwemigqaliselo;
- 10.3 bokubhala imigqaliselo eseluvavanyo nokubona ukuba ifanele ibe ngakanani;
- 10.4 bokufuna icebiso lomthetho okanye lomntu ongumpondozihlanjiwe;
- 10.5 bokubandakanya ababandakanyekileyo kuthethathethwano olululo malunga nemigqaliselo eseluvavanyo;
- 10.6 bokufumana ukugunyaziswa okuyimfuneko;
- 10.7 bokuba bamelwe ngokwaneleyo abantu;
- 10.8 bokuseka iqumrhu lokongamela ukusetyenziswa kwemigqaliselo lize lenze ingxelo ngokusetyenziswa kwayo;
- 10.9 bokuthi gqi nendlela yokukhalaza neyokuzisingatha izikhalazo, xa zikho;
- 10.10 nobokuyigcina kwiwebsayithi ingcombolo emalunga nemigqaliselo, kuquka noluhlu lweenkampani ezichaphazelekayo ezinkqanyangelwayo yimigqaliselo.

11 Isaziso sokuba kucetywa ukuqulunqa imigqaliselo yokuziphatha

- 11.1 Iqumrhu elifanelekileyo kufuneka lazise iQumrhu Labalawuli ukuba liceba ukuqulunqa imigqaliselo lize libe soloko lilazisa iQumrhu Labalawuli ngako konke okwenzekayo ekuqulunqweni kwemigqaliselo.

12 Iimfuneko zemigqaliselo yokuziphatha phantsi koMthetho Wengcombolo

- 12.1 UMthetho Wengcombolo uxela ezona mfuneko zisisiseko emaziqukwe kwimigqaliselo nokuthi ifanele isebenze njani imigqaliselo.
- 12.2 Ukusilela ukwenza okufunwa yimigqaliselo ekhutshiweyo kuthathwa ngokuthi kukwaphula imiqathango yokusetyenziswa ngokusemthethweni kwengcombolo yobuqu.
- 12.3 Imigqaliselo kufuneka iphelele ekuchazeni iimbopheleleko ezikhethekileyo zamaqumrhu afanelekileyo anqanyangelwayo yimigqaliselo nazezinye iimfuneko ezisisinyanzelo phantsi koMthetho Wengcombolo;
- 12.4 Nayiphi na imibandela engenanto yakwenza nemigqaliselo yokusetyenziswa ngokusemthethweni kwengcombolo yobuqu akufanele ibe yinxalenye yemigqaliselo emayivunywe liQumrhu Labalawuli.
- 12.5 Imigqaliselo ayiyithathi indawo yoko kufanelekileyo okutshiwo nguMthetho Wengcombolo.

ICANDELO 2 – UKUKHUTSHWA KWEMIGQALISELO YOKUZIPHATHA LIQUMRHU LABALAWULI LENGCOMBOLO (iQumrhu Labalawuli)

IQumrhu Labalawuli linokuthi ngokunokwalo liman' ukukhupha imigqaliselo okanye lenze njalo kusakube kwenziwe isicelo, ngendlela efunekayo nangefom efunekayo, njengoko kutshiwo kumMiselo 5 nakwiFom 3.

13 Imigaqo-jikelele esebenza ekukhutshweni kwemigqaliselo yokuziphatha

- 13.1 **Imigqaliselo yokuziphatha kufuneka:**
 - 13.1.1 ibhalwe;
 - 13.1.2 iquke yonke imiqathango yokusetyenziswa ngokusemthethweni kwengcombolo yobuqu okanye ixele iimbopheleleko ezifanayo ezixelwe kuloo migqaliselo; kwaye
 - 13.1.3 ixele ukuba imiqathango yokusetyenziswa ngokusemthethweni kwengcombolo inokusetyenziswa njani okanye kunokwenziwa njani okufunwa yiyo, kucingelwa uhlobo lwecandelo okanye lwamacandelo eluntwini ekusebenza kuwo abantu abanembopheleleko abachaphazelekayo.

13.2 Imigqaliselo isengasebenza kwenye okanye kweziliqela kwezi zinto zilandelayo:

13.2.1 nakweyiphi na ingcombolo exeliweyo okanye udidi lwengcombolo;

13.2.2 nakweliphi na iqumrhu okanye udidi lwamaqumrhu;

13.2.3 nakuwuphi na umsebenzi oxeliweyo okanye udidi lwemisebenzi; okanye

13.2.4 nakuluphi na ushishino oluxeliweyo, umsebenzi ofundelwayo, okanye umsebenzi nje, okanye udidi lwamashishini, lwemisebenzi efundelwayo, okanye lwemisebenzi nje.

13.3 Imigqaliselo kukwafuneka ixele amanyathelo akhethekileyo:

13.3.1 amaphulo okuthelekisa ingcombolo ukuba loo maphulo asetyenziswa ngaphakathi kwicandelo elithile;

13.3.2 okukhusela abantu emalunga nabo ingcombolo xa kusetyenziswa ingcombolo ezisebenzela ngokwayo;

13.3.3 okuba kuqwalaselwe ngokutsha imigqaliselo liQumrrhu Labalawuli;

13.3.4 nawaxa kuthe kwaphela imigqaliselo ingekapheli iminyaka emihlanu (5) elelona xesha lifutshane livumelekileyo.

14 Eminye imibandela enokuthi iqukwe kwimigqaliselo yokuziphatha

14.1 Imigqaliselo yokuziphatha inokuthi:

14.1.1 ibakhulule abantu abathile ekunkqanyangelweni, bekhululwa liQumrhu Labalawuli;

14.1.2 ithethe ngenkqubo yokusingathwa kwezikhalazo ngawo onke amaqumrhu afanelekileyo ankqanyangelwa yimigqaliselo ize ithethe ngokwenza ingxelo kwiQumrhu Labalawuli ngezo zikhalazo; kananjalo

14.1.3 ithethe ngokwenziwa kwengxelo ngayo nayiphi na imibandela nangokusingathwa kwemibandela nokuba yeyiphi na emalunga nokusetyenziswa kwengcombolo yobuqu ekuthethwe ngayo kuMthetho Wengcombolo.

15 Isimbo sokubhala

- 15.1 IQumrhu Labalawuli nababandakanyekileyo abachaphazelekayo kufuneka bakwazi ukuyiqonda lula intsingiselo yemigqaliselo.
- 15.2 Imigqaliselo kufuneka ibhalwe ngesiNgesi esilula, esicacileyo nesibetha koomofu.
- 15.3 Imigqaliselo kufuneka iguqulelwe kwezinye iilwimi ezisemthethweni ezimbini nokuba zeziphi na ngendlela ekugqitywe ngayo liqumrhu elifanelekileyo.
- 15.4 Iimbopheleleko kufuneka zixelwe kwimigqaliselo ngendlela evakalayo. Umzekelo, imiqathango yokusetyenziswa ngokusemthethweni kwengcombolo yobuqu kufuneka ivumelane nesihloko somqathango ngamnye kwaye ilandelane ngendlela elandelana ngayo kuMthetho Wengcombolo.

16 Inkqubo yokukhutshwa kwemigqaliselo yokuziphatha

IQumrhu Labalawuli linokuthi likhuphe imigqaliselo yokuziphatha emva kokubonisana nabo babandakanyekileyo abachaphazelekayo okanye linokuthi likwenze oko xa kucele iqumrhu elifanelekileyo. Ixesha lokubonisana nababandakanyekileyo abachaphazelekayo alifanele libe ngaphantsi kweentsuku ezingama-30.

16.1 Imigqaliselo ekhutshwe liQumrhu Labalawuli ngokunokwalo

- 16.1.1 IQumrhu Labalawuli linokuthi ngokunokwalo likhuphe imigqaliselo yokuziphatha emva kokubonisana nababandakanyekileyo abachaphazelekayo.
- 16.1.2 Ukubonisana nababandakanyekileyo abachaphazelekayo kungaba ngezi ndlela zilandelayo:
 - 16.1.2.1 isihlokomiso ku*Shicilelo-Mithetho* esithi kucetywa ukukhupha imigqaliselo;
 - 16.1.2.2 imigqaliselo eseluvavanyo eyenziwe ngendlela yokuba uluntu luyifumane, umzekelo, ngokuyipapasha kwiwebsayithi yeQumrhu Labalawuli; okanye
 - 16.1.2.3 isimemo esibhekiswa kuluntu sokuba lungenise izimvo kwiQumrhu Labalawuli lingekapheli ixesha elithile.
 - 16.1.2.4 IQumrhu Labalawuloi kufuneka liziqwalasele zonke izimvo ezivakalisweyo kwelo xesha limiselweyo.
- 16.1.3 Xa libonisana nabantu, iQumrhu Labalawuli maliqinisekise ukuba bonke abachaphazelekayo bayakwazi ukuthabatha inxaxhea ekubonisaneni.

16.1.4 Ziza kuqwalaselwa izimvo eziveliswe ngabantu abachaphazelekayo nababandakanyekileyo ekuboniswene nabo.

16.2 Imigqaliselo ekhutshwe liQumrhu Labalawuli ngesicelo samaqumrhu afanelekileyo

IQumrhu Labalawuli lisengakhupha imigqaliselo yokuziphatha emva kokubonisana nababandakanyekileyo okanye ngesicelo samaqumrhu afanelekileyo. Ithuba lokubonisana nababandakanyekileyo alimele libe ngaphantsi kweentsuku ezingama-30.

16.2.1 Isicelo sokukhutshwa kwemigqaliselo kufuneka senziwe ngefom nangendlela efunwa liQumrhu Labalawuli kwimiMiselo.

16.2.2 Phakathi kwezinye izinto, isicelo masiphelekwe ngala maxwebhu alandelayo:

16.2.2.1 ikopi yemigqaliselo eseluvavanyo ekwenziwa isicelo ngayo;

16.2.2.2 izimvo ezifunyenweyo xa bekuboniswana;

16.2.2.3 ubude bexesha eye yafumaneka ngalo imigqaliselo ecetywayo ukuze kuboniswane;

16.2.2.4 amaqumrhu aza kuchatshazelwa yimigqaliselo;

16.2.2.5 iindlela eziye zasetyenziswa liqumrhu elifanelekileyo ekubonisaneni nababandakanyekileyo;

16.2.2.6 uluhlu lwababandakanyekileyo, olwamaqumrhu afanelekileyo nolwabantu abachaphazelekayo abaye bangenisa izimvo malunga nemigqaliselo;

16.2.2.7 iinkcukacha zezinto ezitshintshiweyo emva kokubonisana;

16.2.2.8 isishwankathelo seengongoma ezifunyenweyo ngokubonisana nababandakanyekileyo, namaqumrhu afanelekileyo;

16.2.2.9 nezizathu zokuba kungani uluvo oluthile lungafakwanga kuxwebhu lokugqibela.

16.2.3 Amazwi abhaliweyo okubonisana kunye nesicelo sokukhupha imigqaliselo kufuneka sibe nezi nkcukacha—

16.2.3.1 ikopi yencwadi echazayo eye yabhalwa malunga nemigqaliselo:

16.2.3.2 ukuba iimfuneko ezikwezi zikhokelo akuhlangatyezwananga nazo, makubekho izizathu zokungahlangabezani nazo

okanye izizathu zokuba kungani zithathwa ngokuthi ziwuphosile umxholo; kunye

16.2.3.3 nalo naluphi na olunye uxwebhu olubalulekileyo okanye ingcombolo ebalulekileyo enokuthi ibaluleke xa iQumrhu Labalawuli lisenza isigqibo sokukhupha imigqaliselo.

16.2.4 IQumrhu Labalawuli malitsho ukuthi lisifumene isicelo kungekade kube lixesha elide, emalingagqithi kwiintsuku ezili-14.

16.2.5 Isigqibo seQumrhu Labalawuli ngesicelo sokukhupha imigqaliselo kufuneka senziwe kuselixesha kungekade kuphele iiveki ezili-13 ukususela kumhla wokupapashwa kwesihlokomiso ku*Shicilelo-Mithetho*.

17 Ukwenziwa kwezinto elubala

17.1 Ngokuvisisana nemigqaliselo ekhutshiweyo, ilungu lequmrhu elifanelekileyo kufuneka liqulunqe imigaqo-nkqubo yendlela emayisingathwe ngayo ingcombolo yobuqu. Oku kuquka indlela anokuthi ngayo umntu emalunga naye ingcombolo akhalaze ngokwaphulwa kwemiqathango yokusetyenziswa ngokusemthethweni kwengcombolo yobuqu, nokuthi iqumrhu elifanelekileyo liza kusisingatha njani eso sikhhalazo.

17.2 Le migaqo-nkqubo kufuneka yenziwe ifumaneke lula kwiwebsayithi yelungu lequmrhu elifanelekileyo. Neekopi eziprintiweyo kufuneka zenziwe zifumaneke xa kuyimfuneko.

18 Isihlokomiso sokuqwalaselwa kwemigqaliselo yokuziphatha

IQumrhu Labalawuli—

18.1 Malikhuphe isihlokomiso ku*Shicilelo-Mithetho* esithi ukukhutshwa kwemigqaliselo kuyaqwalaselwa.

18.2 Eso sihlokomiso masibe namazwi athi—

18.2.1 imigqaliselo yokuziphatha ecetywayo eqwalaselwayo nekopi yayo zinokufunywana kwiQumrhu Labalawuli, nathi

18.2.2 Kunokungeniswa izimvo ezibhaliweyo ezingemigqaliselo ecetywayo zibhekiswe kwiQumrhu Labalawuli lingekapheli ixesha elixeliweyo.

- 18.3 IQumrhu Labalawuli alivumelekanga ukuba likhuphe imigqaliselo yokuziphatha ngaphandle kokuba liziqwalasele zonke izimvo ezingenisweyo kwaye lanelisekile kwinto yokuba bonke abantu abachaphazelekayo banikwe ithuba elaneleyo lokungenisa izimvo.
- 18.4 Indlela efanelekileyo yokuba imigqaliselo ifike kubantu abachatshazelwayo yiyo iza kuxhomekeka kwimeko nganye, kodwa ezo meko zisengaquka—
- 18.4.1 ukuxhoma ikhowudi okanye ingcombolo engekhowudi kwiwebsayithi yeQumrhu Labalawuli;
- 18.4.2 izaziso zikawonkewonke kumaphephandaba okanye kwiimagazini zeenkampani;
- 18.4.3 ukuthetha ngqo nababandakanyekayo abachaphazelekileyo neenkampani ezichaphazelekayo; okanye
- 18.4.4 ukubonisana namaQumrhu Abalawuli achaphazelekayo ukuphonononga iingxaki ezimalunga nomthetho ezinento yokwenza nemigqaliselo.

19 Ukwaziswa

- 19.1 IQumrhu Labalawuli liza kwazisa amaqumrhu afanelekileyo ngesigqibo sokukhupha imigqaliselo, liwazisa ngokubhala. Isigqibo siza kuquka umhla eza kuqala ngawo ukusebenza imigqaliselo. Lisakuba liyikhuphile imigqaliselo, iQumrhu Labalawuli liza kupapasha amazwi achazayo axela izizathu zokuyivuma imigqaliselo.
- 19.2 Kananjalo iQumrhu Labalawuli liza kwazisa amaqumrhu afanelekileyo ngesigqibo sokungayikhuphi imigqaliselo, kwaye isaziso eso siza kuquka izizathu zeso sigqibo.
- 19.3 Zingekapheli iintsuku ezingama-30 ligqibe kwelokuba likhuphe imigqaliselo, iQumrhu Labalawuli liya kupapasha isihlokomiso ku*Shicilelo-Mithetho* esithi ikhutshiwe imigqaliselo.
- 19.4 Zingekapheli iintsuku ezingama-30 lithathe isigqibo sokukhupha imigqaliselo, iQumrhu Labalawuli liya kupapasha isaziso kwiwebsayithi yalo okanye ke ngenye indlela.

20 Umqulu wemigqaliselo yokuziphatha evunyiweyo

- 20.1 IQumrhu Labalawuli kufuneka libe nomqulu wemigqaliselo yokuziphatha evunyiweyo. Xa lithe iQumrhu Labalawuli laluvuma utshintsho olwenziwe kwimigqaliselo, umqulu lowo uza kubonisa notshintsho olo olwenziweyo. Umqulu awuyi kuyibonisa imigqaliselo esusiweyo liQumrhu Labalawuli.
- 20.2 Umqulu, kunye nayo yonke imigqaliselo evunyiweyo, kuza kwenziwa ukuba ifunyanwe luluntu kwiwebsayithi yeQumrhu Labalawuli.

ICANDELO 3 – ULAWULO LWEMIGQALISELO

21 Amalungiselelo olawulo

- 21.1 UMthetho Wengcombolo awuxeli ukuba ifanele ilawulwe njani imigqaliselo. Kodwa ke kukho imibandela eliqela emalunga namalungiselelo olawulo kwimigqaliselo emayiqwalaselwe xa kuthathwa isigqibo sokuba makuqulunqwe imigqaliselo kusini na.
- 21.2 IQumrhu Labalawuli liya kuqwalasela amalungiselelo olawulo kwimigqaliselo lisakufumana isicelo sokubhaliswa kwemigqaliselo.

22 Amaqumrhu ankqanyangelwayo yimigqaliselo yokuziphatha

- 22.1 Imigqaliselo kufuneka ixele ngokucacileyo amaqumrhu afanelekileyo ankqanyangelwayo yimigqaliselo, okanye ifumane indlela yokubona ukuba ngawaphi amaqumrhu afanelekileyo ankqanyangelwayo yimigqaliselo.
- 22.2 Yakuba imigqaliselo ikhutshiwe, iyasebenza kwaye iwankqamangela ngokomthetho amaqumrhu afanelekileyo.

23 Ukuwazi amaqumrhu afanelekileyo ankqanyangelwayo yimigqaliselo yokuziphatha

- 23.1 Imigqaliselo kufuneka iwazi amaqumrhu ankqanyangelwayo yimigqaliselo, umzekelo, ngokuwadwelisa loo maqumrhu achaphazelekayo kwimigqaliselo ngokwayo.

- 23.2 Ukuba kukho amaqumrhu alawulwa ziindidi eziliqela zemigqaliselo, udidi ngalunye lwemigqaliselo kufuneka ludwelise amaqumrhu ankqanyangelwa lolo didi lwemigqaliselo.
- 23.3 Ukungawabonisi ngokucacileyo amaqumrhu ankqanyangelwayo yimigqaliselo, nokuba kungokudwelisa amaqumrhu aza kunkqanyangelwa okanye ngokuchaza ngokucacileyo indlela anokwaziwa ngayo amaqumrhu ankqanyangelwayo yimigqaliselo, kunokuba sisizathu sokungayikhuphi imigqaliselo okanye sokuyisusa kumqulu wemigqaliselo evunyiweyo.

24 Ukukubek' esweni ukuthotyelwa kwemigqaliselo yokuziphatha

- 24.1 IQumrhu Labalawuli kufuneka libe namacebo okukubek' esweni ukusebenza ngempumelelo kwemigqaliselo ukuze kube kuyenzeka okufunwayo.
- 24.2 Amaqumrhu achaphazelekayo kufuneka abe neenkqubo ezichaza indlela eziza kusingathwa ngayo izikhalazo.
- 24.3 Amaqumrhu achaphazelekayo kufuneka akuhlole ukuthoyelwa kwemigqaliselo.

25 Ukwenza ingxelo ngokuthotyelwa kwemigqaliselo yokuziphatha

- 25.1 Amaqumrhu achaphazelekayo kufuneka athumele ingxelo qho ngonyaka eya kwiQumrhu Labalawuli, ekukwafuneka yenziwe ifunyanwe kwiwebsayithi yequmrhu elichaphazelekayo.
- 25.2 Ingxelo yonyaka ngamnye kufuneka ithunyelwe xa kuphela unyaka omnye (1) ikhutshiwe imigqaliselo liQumrhu Labalawuli.
- 25.3 Ingxelo leyo mayibe noku kulandelayo:
- 25.3.1 ingcombolo echanileyo, engashiywanga ngamaxesha, neyaneleyo malunga nokuba iqumrhu liye lakubek' esweni njani ukuthotyelwa kwemigqaliselo. Oku kuquka ingcombolo efunyenwe ivela kwiingxelo ezivela kumaqumrhu ankqanyangelwayo yimigqaliselo nezivela ekuhlolweni okanye kuphando.
- 25.3.2 ingcombolo epheleleyo emalunga neengxaki ezithe tshitshilili okanye ukuphazanyiswa okubi kakhulu okanye okuphindaphindiweyo, kuphazanyiswa imiqathango yokusetyenziswa ngokusemthethweni kwengcombolo yobuqu okwenzeke kwithuba lokwenza ingxelo;

- 25.3.3 ukuba ingcombolo emalunga nokuphumelela kwemigqaliselo ekwenzeni okufunekayo itshintshe kakhulu ukususela kwingxelo yokugqibela, mayichazwe into etshintshileyo nokuthi kucetywa ukuba kwenziwe ntoni ukulungisa olo tshintsho;
 - 25.3.4 inani lezikhhalazo ezifunyanwa qho ngonyaka malunga nemigqaliselo;
 - 25.3.5 umyinge wobude bexesha elithathwayo ukusombulula izikhhalazo;
 - 25.3.6 iinkcukacha-manani malunga nohlobo lwezikhhalazo;
 - 25.3.7 iinkcukacha-manani malunga neziphumo zezikhhalazo;
 - 25.3.8 nengcombolo malunga nezisombululo ezinikiweyo zokuphelisa isikhhalazo.
- 25.4 Ukuba akukho zingxelo zinikwe liQumrhu Labalawuli, okanye ezibonisa ukungathotyelwa kwemigqaliselo, oku kuza kuba sisizathu sokuqwalaselwa ngokutsha kwayo liQumrhu Labalawuli, okanye itshintshwe okanye itshitshiswe.
- 25.5 Amaqumrhu afanelekileyo anqanyangelwayo yimigqaliselo nawo kufuneka enze ingxelo ngeengxaki ezithe tshitshilili okanye ngokwaphulwa okukhulu kwemigqaliselo, esenza ingxelo kwiQumrhu Labalawuli kwakamsinya esakuba nolwazi ngako.
- 25.6 Imigqaliselo yokuziphatha isenokuxela iindlela zokulandelwa xa kukhalazwa okanye xa kusingathwa izikhhalazo, zikhhalazo ezo ezithi yaphulwe imigqaliselo.
- 25.7 Ukuba imigqaliselo ixela iindlela emakukhalazwe ngazo nezokusingatha izikhhalazo, iQumrhu Labalawuli kufuneka laneliseke kwinto yokuba imigqaliselo iyafikelela kumgangatho ofunwa liQumrhu Labalawuli nazezi zikhokelo.

ICANDELO 4 – UKUSINGATHWA KWEZIKHALAZO

26 Injongo yendlela emazisingathwe ngayo izikhhalazo

- 26.1 Injongo yendlela emazisingathwe ngayo izikhhalazo—
 - 26.1.1 kukuqinisekisa ukuba kulandelwa indlela esemgangathweni efunekayo;
 - 26.1.2 kukuqinisekisa ukuba abakhalazayo bayayazi indlela eza kusetyenziswa ekusingatheni izikhhalazo;

- 26.1.3 kukuqinisekisa ukuba indlela esetyenziswayo inobulungisa, iselubala, ayinanketha-buso kwaye iyasabela;
 - 26.1.4 kukwenza ukuba zisombululeke lula izikhalazo;
 - 26.1.5 kukukhuthaza ukwenziwa kwezigqibo ngempumelelo;
 - 26.1.6 kukuqinisekisa ukuba izikhalazo ziqala zisiwe kumntu onoxanduva ekuthiwa wenze okungafanelekanga kwengcombolo yobuqu;
 - 26.1.7 kukuqinisekisa ukuba umntu onoxanduva unikwa ithuba lokuba asabele kwisikhalazo;
 - 26.1.8 kukuqinisekisa ukuba umntu emalunga naye ingcombolo okhwiniswayo sisigqibo somntu onoxanduva usisa isikhalazo sakhe kumgwebi ozimeleyo;
 - 26.1.9 nokuqinisekisa ukuba umntu onoxanduva okanye umntu emalunga naye ingcombolo okhwiniswayo sisigqibo somgwebi ozimeleyo usisa isikhalazo kwiQumrhu Labalawuli.
- 26.2 Isikhalazo sinokusiswa ngqo kwiQumrhu Labalawuli kwiimeko zaxa isikhalazo sifanelwe yingqalelo yeQumrhu Labalawuli, meko ezo ezingaquka ezi zilandelayo:
- 26.2.1 umntu okhalazayo uza konakalelwa ukuba isikhalazo sakhe siqaliswa kumntu onoxanduva;
 - 26.2.2 kuninzi okoniweyo malunga nokukhuselwa kwengcombolo yobuqu;
 - 26.2.3 sekungumkhwa kumntu onoxanduva ukona malunga nokukhuselwa kwengcombolo yobuqu;
 - 26.2.4 abantu abakhalazayo bangabandawonye kwaye bakhalazela umntu onoxanduva abangaqaliyo ukumkhalazela; okanye
 - 26.2.5 izikhalazo zisukela kwiimeko ezifanayo kwaye umthetho obandakanyekileyo mnye okanye ingongoma ebandakanyekileyo inye kuzo zonke ezi meko.

27 Ngabantu abatheni abanokungenisa isikhalazo?

- 27.1 ngumntu emalunga naye ingcombolo;
- 27.2 ngumntu omele umntu emalunga naye ingcombolo;
- 27.3 ngumntu omdala omele umntwana;
- 27.4 ngumntu ofanelekileyo omiselwe yinkundla yomthetho ukuba asingathe imicimbi yomntu emalunga naye ingcombolo; okanye

27.5 ngumntu onoxanduva okanye umntu emalunga naye ingcombolo okhwiniswayo sisigqibo somgwebi ozimeleyo.

28 Inkqubo yokukhalaza

28.1 Imigqaliselo yokuziphatha isengaxela iindlela zokukhalaza nezokusingatha izikhalazo zokwaphulwa kwemigqaliselo ngaphandle kokukusikel' umda okutshiwo siSahluko 10 soMthetho Wengcombolo.

28.2 Xa sele isebenza imigqaliselo ekhutshwe ngokwesiqendu 60 soMthetho Wengcombolo, ukungakwenzi okufunwa yiloo migqaliselo kuthathwa njengokwaphula imiqathango yokusetyenziswa ngokusemthethweni kwengcombolo yobuqu ekuthethwe ngako kwiSahluko 3 soMthetho Wengcombolo kwaza kwashukuxwa kwiSahluko 10 soMthetho Wengcombolo.

28.3 Ukuba imigqaliselo ixela iindlela zokukhalaza nezokusingatha izikhalazo, iQumrhu Labalawuli malaneliseke kwinto yokuba imigqaliselo iyawufikelela umgangatho ofunekayo ngokuvisisana noMthetho Wengcombolo nezikhokelo ezikhutshwe liQumrhu Labalawuli ngokwesiqendu 65 soMthetho Wengcombolo.

28.4 Ukuba imigqaliselo ixela iindlela zokukhalaza nezokusingatha izikhalazo, imigqaliselo kufuneka ibe nendawo ethi makumiselwe umgwebi ozimeleyo liqumrhu elifanelekileyo ezinokubhekiswa kuye izikhalazo.

28.5 Imigqaliselo mayibe neenkukacha ezithetha ngomgwebi ozimeleyo.

28.6 Umntu onoxanduva okanye umntu emalunga naye ingcombolo okhwiniswayo sisigqibo, kuquka isibhengezo, umyalelo okanye umyalelo oqukiweyo kwisigqibo, owenziwe ngumgwebi emva kokuba esiphandile isikhalazo esimalunga nokukhuselwa kwengcombolo yobuqu phantsi kwemigqaliselo yokuziphatha evunyiweyo, unokuthi angenise isikhalazo ngokwesiqendu 74(2) kwiQumrhu Labalawuli, ekhalazela isigqibo kusakube kuhlululwe umrhumo ofunekayo.

29 Imisebenzi eluxanduva loMgwebi Ozimeleyo

29.1 Xa umgwebi esebenzisa amagunya akhe kufuneka acinge ngesiqendu 44 soMthetho Wengcombolo.

- 29.2 Umgwebi kufuneka asebenzise inkqubo engenamkhethe, efikelelekayo, elungela zonke iimeko, nesebenza ngempumelelo, kananjalo kufuneka akhumbule ubulungisa bemvelo nokusebenzisa ubulungisa kwiindlela zokwenza izinto.
- 29.3 Umgwebi ozimeleyo kufuneka alungise ingxelo aze ayithumele, ngendlela eyanelisa iQumrhu Labalawuli, zingaphelanga iinyanga ezintlanu (5) uphelile unyaka-mali weQumrhu Labalawuli, kuyingxelo engokusebenza kwemigqaliselo ngexesha laloo nyaka-mali. Unyaka-mali weQumrhu Labalawuli uphela ngoMatshi 31 wonyaka ngamnye.
- 29.4 Ingxelo yonyaka kufuneka ixele inani lezikhhalazo nobunjani bazo ezibhekiswe kumgwebi ngokwemigqaliselo ngexesha laloo nyaka-mali.
- 29.5 Isigqibo somgwebi siyaqhubeka sisebenza ngaphandle kokuba okanye de iQumrhu Labalawuli lenze isigqibo ngokweSahluko 10 soMthetho Wengcombolo malunga nesikhhalazo, ngaphandle kokuba iQumrhu Labalawuli ligqiba ngenye indlela.

ICANDELO 5 – UKUQWALASELWA NGOKUTSHA KWEMIGQALISELO YOKUZIPHATHA EVUNYIWEYO, UKUTSHINTSHWA KWAYO NOKUTSHITSHISWA KWAYO

30 Ukukuqwalasela ngokutsha ukusebenza kwemigqaliselo yokuziphatha ebisele ivunyiwe

- 30.1 IQumrhu Labalawuli linokuthi ngokunokwalo likuqwalasele ngokutsha ukusebenza kwemigqaliselo ebisele ivunyiwe ingekapheli iminyaka emihlanu (5) okanye nanini na xa kubonwa kuyimfuneko.
- 30.2 Kunokuqwalaselwa ngokutsha xa iQumrhu Labalawuli lithe laba nolwazi loku kulandelayo:
 - 30.2.1 utshintsho kwiindlela ezenziwa ngayo izinto kumashishini, kubuchwepheshe okanye kulindelo lwabantu abachaphazelekileyo okunokuthi kuchaphazele ukusebenza ngempumelelo kwemigqaliselo; okanye
 - 30.2.2 ukungenziwa koko kufunwa yimigqaliselo evunyiweyo.
- 30.3 IQumrhu Labalawuli liza kulazisa ngencwadi iqumrhu elifanelekileyo, lilazisa ngesigqibo sokuyiqwalasela ngokutsha imigqaliselo. IQumrhu Labalawuli liza kubonisana xa kusenziwa udliwanondlebe.

- 30.4 Ukuba iQumrhu Labalawuli ligqibe kwelokuba liyiqwalasele ngokutsha imigqaliselo ebisele ivunyiwe, kufuneka lipapashe isihlokomiso sokuqwalaselwa kwayo ngokutsha kwiwebsayithi, licela izimvo kubantu abachaphazelekayo.
- 30.5 Isiphumo sokuqwalaselwa ngokutsha kwemigqaliselo singaba sisizathu sokuba iQumrhu Labalawuli ligqibe kwelokuba liyitshitshe imigqaliselo ebisele ivunyiwe.

31 Ukutshintshwa kwemigqaliselo yokuziphatha ebisele ivunyiwe

- 31.1 IQumrhu Labalawuli lisenokuthi, ngokubhala, likuvume ukutshintshwa kwemigqaliselo ebisele ivunyiwe. Utshintsho lunokwenzeka—
- 31.1.1 xa iqumrhu elifanelekileyo elinqanyangelwayo yimigqaliselo ebisele ivunyiwe lisenza isicelo sokuba itshintshwe; okanye
- 31.1.2 xa kuliQumrhu Labalawuli ngokwalo eliyitshintshayo.
- 31.2 Xa iQumrhu Labalawuli ligqiba ngokunokwalo kwelokuba liyitshintshe imigqaliselo ebisele ivunyiwe, olo tshintsho alunakuquka iindawo ezithetha ngokukhululwa kwizinqamangelo.
- 31.3 Ngaphambi kokuba iQumrhu Labalawuli ligqibe kwelokuba livumelane notshintsho, lingaqala libonisane, okungaquka—
- 31.3.1 ukuyenza ifumaneke kwiwebsayithi ikopi yotshintsho olufunwayo;
- 31.3.2 ukubonisana nabani na ochaphazelekayo iQumrhu Labalawuli elibona kufanelekile ukuba kuboniswane naye ngotshintsho olufunwayo; lize
- 31.3.3 lipapashe ku*Shicilelo-Mithetho* isihlokomiso sotshintsho olufunwayo.
- 31.4 Ekwenzeni isigqibo mayela nokuba libonisane ngotshintsho, iQumrhu Labalawuli lingaqwalasela ukuba balinikwe kangakanani ithuba abantu abachaphazelekileyo lokuba bavakalise izimvo ngotshintsho.
- 31.5 Ekwenzeni isigqibo mayela nokuba livumelane notshintsho, iQumrhu Labalawuli liya kuqwalasela imibandela exelwe kwezi zikhokelo. Isigqibo siya kusekelwa ekubeni utshintsho olucetywayo luyaqubisana na neengongoma olufuna ukuzisombulula.
- 31.6 Ukuba iQumrhu Labalawuli ligqiba kwelokuba liyitshintshe imigqaliselo ebisele ivunyiwe, iQumrhu Labalawuli kufuneka—
- 31.6.1 lazise iqumrhu elifanelekileyo ngesigqibo salo, kuquka nomhla oluza kwenzeka ngawo utshintsho;

- 31.6.2 lipapashe isihlokomiso sotshintsho kwiwebsayithi yeQumrhu Labalawuli. Utshintsho kufuneka lupapashwe kamsinya kangangoko kunokwenzeka ukuqinisekisa ukuba amaqumrhu afanelekileyo aba nexesha elaneleyo lokulwenza olo tshintsho;
- 31.6.3 longeze imigqaliselo etshintshiweyo kumqulu lize liyisuse kumqulu imigqaliselo yakuqala eyayivunyiwe; lize
- 31.6.4 lipapashe isihlokomiso kwiwebsayithi yeQumrhu Labalawuli naku*Shicilelo-Mithetho* lixela ukuba imigqaliselo yakuqala eyayivunyiwe itshintshiwe.

31.7 Iqumrhu elifanelekileyo kufuneka liyipapashe imigqaliselo etshintshiweyo kwiwebsayithi yalo zingekapheli iintsuku ezili-14 ukususela kumhla wokupapashwa kwemigqaliselo etshintshiweyo ku*Shicilelo-Mithetho*.

32 Imo yesicelo sokutshintshwa kwemigqaliselo ebisele ivunyiwe

- 32.1 Isicelo sokutshintsha imigqaliselo yokuziphatha ebisele ivunyiwe kufuneka sibe kwimo yeleta ebhekiswe kwiQumrhu Labalawuli, ixela oku kulandelayo:
 - 32.1.1 isihloko semigqaliselo evunyiweyo;
 - 32.1.2 igama lequmrhu elifanelekileyo elinqanyangelwayo yimigqaliselo, elenza isicelo sotshintsho;
 - 32.1.3 iinkcukacha zotshintsho olucetywayo;
 - 32.1.4 izizathu zotshintsho;
 - 32.1.5 iziphumo ezinokubakho ezinokubangelwa lutshintsho, kuquka nesiphumo kumaqumrhu afanelekileyo anqanyangelwayo yimigqaliselo evunyiweyo;
 - 32.1.6 neenkukacha zokubonisana okuye kwenzeka engaqukwanga amaqumrhu afanelekileyo anqanyangelwayo yimigqaliselo evunyiweyo kunye nabanye ababandakanyekileyo abachaphazelekayo.
- 32.2 Kananjalo isicelo kufuneka sibe noku kulandelayo:
 - 32.2.1 ikopi yotshintsho olucetywayo, lukrwelwe ngokucacileyo utshintsho olo kwimigqaliselo yangoku evunyiweyo.
 - 32.2.2 izimvo ezifunyenweyo zivela ekubonisaneni okwenziweyo ngotshintsho; kuze kuthi
 - 32.2.3 ukuba zonke iimfuneko ezikwezi zikhokelo akuhlangatyezwananga nazo, kubekho amazwi achaza isizathu sokungahlangabezani nezo

mfuneko okanye isizathu sokuba zingasebenzi apha, kunye nantoni na enokufaneleka ukunceda iQumrhu Labalawuli likhuphe imigqaliselo etshintshiweyo.

33 Ukutshitshiswa kwemigqaliselo yokuziphatha ebisele ivunyiwe

- 33.1 IQumrhu Labalawuli linokuyitshitshisa imigqaliselo ebisele ivunyiwe lize emva koko liyisuse kumqulu. Ekugqibeni ukuba liyitshitshise kusini na imigqaliselo, iQumrhu Labalawuli liya kuqwalasela oku kulandelayo:
 - 33.1.1 utshintsho kwiindlela ekuqhutywa ngazo kushishino, utshinthso kubuchwepheshe okanye kulindelo lwabantu abachaphazelekileyo olunokuba nesiphumo ekusebenzeni ngempumelelo kwemigqaliselo; okanye
 - 33.1.2 ukungakwenzi okufunwa yimigqaliselo ebisele ivunyiwe.
- 33.2 IQumrhu Labalawuli lingayitshitshisa imigqaliselo evunyiweyo:
 - 33.2.1 xa kucele iqumrhu elinye elifanelekileyo okanye aliqela ankqanyangelwayo yimigqaliselo; okanye
 - 33.2.2 xa kucela naliphi na iqumrhu elifanelekileyo elinkqanyangelwa yimigqaliselo; okanye
 - 33.2.3 xa iQumrhu Labalawuli liyitshitshisa ngokunokwalo.
- 33.3 Ekutshitshiseni imigqaliselo ebisele ivunyiwe, iQumrhu Labalawuli liza kubonisana ngendlela efanayo neyokutshintshwa kwemigqaliselo ebisele ivunyiwe.
- 33.4 Ukuba imigqaliselo ebisele ivunyiwe itshitshisiwe, iQumrhu Labalawuli kufuneka—
 - 33.4.1 lazise iqumrhu elifanelekileyo elafaka isicelo sokutshitshisa imigqaliselo ebisele ivunyiwe, kuquka nomhla wokutshitshiswa kwayo;
 - 33.4.2 lipapashe kwiwebsayithi *nakuShicilelo-Mithetho* isihlokomiso sokutshitshiswa kwemigqaliselo ebisele ivunyiwe; lize
 - 33.4.3 liyisuse kumqulu imigqaliselo ebisele ivunyiwe.

34 Imo yesicelo sokutshitshiswa kwemigqaliselo yokuziphatha ebisele ivunyiwe

- 34.1 Isicelo sokutshitshisa imigqaliselo ebisele ivunyiwe kufuneka sibe kwimo yeleta ebhekiswe kwiQumrhu Labalawuli, sixela oku kulandelayo:
 - 34.1.1 isihloko semigqaliselo ebisele ivunyiwe;

- 34.1.2 igama lequmrhu elifanelekileyo elinkqanyangelwayo yimigqaliselo, okanye umzi-mveliso omela iqumrhu elifanelekileyo okanye amaqumrhu afanelekileyo ankqanyangelwa yimiqathango, acela ukutshitshiswa;
- 34.1.3 izizathu zokutshitshiswa;
- 34.1.4 iziphumo ezisenokubakho ezinokubangelwa kukutshitshiswa, kuquka nesiphumo okunokuba naso kumaqumrhu afanelekileyo ankqanyangelwa yimigqaliselo ebisele ivunyiwe;
- 34.1.5 iinkcukacha zokubonisana okuye kwenziwa namaqumrhu afanelekileyo ankqanyangelwayo yimigqaliselo ebisele ivunyiwe kunye nabanye ababandakanyekileyo;
- 34.1.6 izimvo ezifunyenweyo ngexesha lokubonisana ngokutshitshiswa kwemigqaliselo; kuze kuthi
- 34.1.7 ukuba ezi zimvo azizange ziqwalaselwe, kunikwe izizathu zoko.

35 Ukuqwalaselwa ngokutsha

Nawuphi na umntu unelungelo lokucela ukuba siqwalaselwe ngokutsha isigqibo seQumrhu Labalawuli sokuyivuma imigqaliselo, sokuba itshintshwe okanye sokuba itshitshiswe, ekwenza oko kwiNkundla Ephakamileyo yommandla ahlala kuwo.